

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

**FLORA JEAN SHORTER,
QUINDARIUS JAMAL KHYDELL SMITH**

PLAINTIFFS

VS.

CIVIL ACTION NO.: 4:20-CV-00010-MPM-JMV

**CITY OF GREENVILLE, MS; ERRICK D.
SIMMONS; DARREL SAXTON; STEVEN
TORREY; JULIAN PHILLIPS; JAMES
EVANS; AND TABARI THOMAS**

DEFENDANTS

ORDER

Before the Court is Defendants’ motion to stay all proceedings or, in the alternative, to extend the discovery and motions deadlines. The motion is not opposed by Plaintiffs.

Defendants Julian Phillips, Darrel Saxton, and Tabari Thomas were served with process on August 2, 2021, and August 3, 2021, respectively. Thereafter, on August 20, 2021, Defendants filed a motion [97] to dismiss under Federal Rule of Civil Procedure 12(b)(5). A Rule 12(b)(5) motion serves as a challenge to personal jurisdiction. *See Fair v. Hinds Cnty. Economic Assistance*, 2016 WL 55341, *2 (N.D. Miss. 2016) (explaining that a “Rule 12(b)(5) challenge” is an “attack on personal jurisdiction”); *see also Sisk v. Fedorovych*, 2021 WL 2661379 (N.D. Ala. 2021) (A “12(b)(5) motion to dismiss challenges the Court’s personal jurisdiction over a defendant for insufficient process[.]”). ACCORDINGLY, IT IS ORDERED that the motion is granted in part and denied in part. This case is STAYED until the earlier of October 8, 2021, or entry of a ruling on Defendants’ motion to dismiss. IT IS FURTHER ORDERED that the discovery deadline is extended to January 14, 2022, and the *Daubert* and dispositive motions deadline is extended to February 6, 2022.

This, the 10th day of September, 2021.

/s/ Jane M. Virden
UNITED STATES MAGISTRATE JUDGE